

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DANIEL ERIC COBBLE,

Plaintiff,

VS.

SHEVONDAH FIELDS, et. al.,

Defendants.

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NO. 5:12-CV-0464-MTT-MSH

ORDER

Plaintiff Daniel Eric Cobble, a prisoner at Baldwin State Prison in Hardwick, Georgia, filed a pro se civil rights complaint under 42 U.S.C. § 1983. After conducting a preliminary view of his Complaint, this Court found that Plaintiff could not proceed *in forma pauperis* in the instant case, as three or more of Plaintiff's prior cases were dismissed and count as "strikes" under 28 U.S.C. §1915(g). Plaintiff's Complaint was then dismissed without prejudice. See *Dupree v. Palmer*, 284 F.3d 1234 (11th Cir. 2002).

Plaintiff has now filed various post-judgment motions, including a Motion to for Certification of Appealability (ECF No. 17), which the Court construes to be a Notice of Appeal, and a Motion Proceed *in forma pauperis* on Appeal (ECF No. 18). In the Court's best judgment, an appeal from the Court's Order dismissing Plaintiff's Complaint cannot be taken in good faith. Plaintiff's Motion to Proceed *in forma pauperis* on appeal is accordingly **DENIED**. See 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); Fed. R. App. P. 24(a)(3) ("A party who was permitted to proceed in forma pauperis in the district-court

action . . . may proceed on appeal *in forma pauperis* . . . unless . . . the district court . . . certifies that the appeal is not taken in good faith”).

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$ 455.00 appellate filing fee. Because Plaintiff has stated that he cannot pay the \$ 455.00 immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to § 1915(b), the prison account custodian where Plaintiff is incarcerated shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to Plaintiff's account until the \$ 455.00 appellate filing fee has been paid in full. Twenty percent of any deposits into the prisoner's account shall be withheld by the prison account custodian who, on a monthly basis, shall forward the amount withheld from the prisoner's account to the Clerk of this Court each time the amount in the account exceeds \$ 10.00 until the total filing fee of \$455.00 has been paid. Checks should be made payable to “Clerk, U.S. District Court.”

The Clerk of Court shall accordingly mail a copy of this Order to the custodian of the prison in which Plaintiff is presently incarcerated.

Plaintiff's other post-judgment motions (ECF No. 15 & 16) shall be as **DISMISSED** as moot. If Plaintiff wishes to bring new civil rights claims against these Defendants, he may do so by submitting a new complaint.

SO ORDERED, this 3rd day of January, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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